

RESOLUTION NO. 5931-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THE CITY COUNCIL APPROVE PLANNED UNIT DEVELOPMENT NO. PUD-104-73 (REV. 2018), AN AMENDMENT TO THE PUD-104-73 (PLANNED UNIT DEVELOPMENT) ZONE TO ALLOW AN AUTOMATIC CAR WASH, A DRIVE-THRU PAD RESTAURANT, AND A SIT-DOWN RESTAURANT, AND TO AMEND THE SIGN REQUIREMENTS OF THE PUD.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on October 18, 2018, does hereby recommend approval of Planned Unit Development No. PUD-104-73 (Rev. 2018), to amend the PUD-104-73 (Planned Unit Development) zone to allow redevelopment of the two lots located at 12101 and 12111 Valley Street, Assessor's Parcel Nos. 224-202-15 and 224-202-16, with an automatic car wash, an 1,870 square foot drive-thru pad restaurant, and a 2,700 square foot sit-down restaurant, and to modify the sign requirements of the PUD, including: to allow for a multiple-tenant sign cabinet on the existing pole sign, to allow a vertical sign on a new tower building element of the movie theater, and to allow non-LED/non-digital movie poster board graphics to be displayed on the exterior marquee and wall display boards of the movie theater.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the City Council determine that the proposed Project is categorically exempt from the environmental review under the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.), pursuant to Section 15303 (New Construction and Conversion of Small Structures) and Section 15301 (Existing Facilities) of the of the CEQA Guidelines (14 Cal. Code Regs., Sections 15301 and 15303).

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-104-73 (Rev. 2018), the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Dan Akarakian for Cinemas Management, Inc., with the authorization of Valley View Cinema Center, LLC, owner of the two commercial lots located at 12101 and 12111 Valley View Street containing the existing movie theater and large restaurant.
2. The applicant is requesting approval of an amendment to the standards and conditions of Planned Unit Development No. PUD-104-73 to facilitate the redevelopment of these two lots with the demolition of the existing large restaurant, expansion of the existing movie theatre, and the addition of an automatic car wash, a 1,870 square foot drive-thru pad restaurant, and a 2,700 square foot sit-down restaurant, and to modify the sign requirements of the PUD, including: to allow for a multiple-tenant sign cabinet on an existing pole sign, to allow a vertical sign on a new tower building element of

the movie theater, and to allow non-LED/non-digital movie poster board graphics to be displayed on the exterior marquee and wall display boards of the movie theater.

3. The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 2 and is zoned Planned Unit Development No. PUD-104-73. The subject site is comprised of two (2) parcels, with a total land area of 2.71-acres, that are improved with the Starlight 4 Star Cinema and a vacant 6,040 square foot restaurant. The applicant proposes to redevelop the site with an automatic car wash, a pad drive-thru restaurant, a sit-down restaurant, and the expansion of the existing movie theater through land use entitlements for Planned Unit Development No. PUD-104-73 (Rev. 2018), Site Plan No. SP-057-2018, Lot Line Adjustment No. LLA-019-2018, and Conditional Use Permit No. CUP-140-2018 (collectively, the "Project"). The existing vacant restaurant will be demolished to accommodate the proposed development.
4. The proposed Project is categorically exempt from CEQA pursuant to Section 15303 (New Construction and Conversion of Small Structures) and Section 15301 (Existing Facilities) of the of the CEQA Guidelines.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on October 18, 2018, and all interested persons were given an opportunity to be heard.
8. Concurrently with the adoption of this Resolution, the Planning Commission adopted (a) Resolution No. 5932-18 approving Lot Line Adjustment No. LLA-019-2018 to modify existing lot lines to consolidate the two (2) subject parcels into one (1) and Site Plan No. SP-057-2018 authorizing the construction of a 4,241 square foot automatic car wash, an 1,870 square foot drive thru pad restaurant, a 2,700 square foot sit-down restaurant, a 2,846 square foot expansion to the existing movie theater, and related site improvements; and (b) Resolution No. 5933-18 approving Conditional Use Permit No. CUP-140-2018 permitting operation of the proposed automatic car wash. The facts and findings set forth in Planning Commission Resolution Nos. 5932-18 and 5933-18 are hereby incorporated into this Resolution by reference.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of October 18, 2018, and considered all oral and written testimony presented regarding the project.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.16.030.20, are as follows:

FACTS:

The subject properties are located on the west side of Valley View Street, south of Chapman Avenue. The properties have a General Plan Land Use designation of Residential/Commercial Mixed Use 2, and are zoned Planned Unit Development (PUD) No. PUD-104-73. PUD-104-73 was adopted in 1973 to allow the construction of a 126-unit residential condominium (currently known as Stonegate), a 32-lane bowling alley (12141 Valley View Street), a 900 seat movie theater (12111 Valley View Street), a 7,500 square foot restaurant (12101 Valley View Street), a 3,600 square foot drive-thru restaurant (12051 Valley View Street), and a 41,850 square foot senior facility for 120 people (5900 Chapman Avenue).

The commercial portion of PUD-104-73 includes a total five (5) commercial properties: a bowling alley, formerly AMF Bowling Alley (12141 Valley View Street), the Starlight 4 Star Cinema (12111 Valley View Street), a vacant restaurant building (12101 Valley View Street), a McDonald's drive-thru restaurant (12051 Valley View Street), and the Brookdale Senior Living facility (5900 Chapman Avenue).

The applicant is the property owner of the movie theater and the vacant restaurant properties. The property owner intends to redevelop the movie theater and the vacant restaurant properties in an effort to revitalize the commercial center. The proposed project includes the construction of a 4,241 square foot automatic car wash, an 1,870 square foot drive-thru restaurant, a 2,700 square foot sit-down restaurant, a 2,846 square foot expansion to the existing movie theater, along with related site improvements, and a lot line adjustment to modify existing lot lines to consolidate the two (2) subject parcels into one (1). In order to facilitate the request and the proposed uses, an amendment to the PUD is required to amend the uses to allow the automatic car wash, the drive-thru restaurant, and the sit-down restaurant, along with an amendment to the sign requirements of the PUD.

In conjunction with the proposed amendment to the PUD-104-73 zone, the applicant is requesting approval of Site Plan No. SP-057-2018 to allow the construction of a 4,241 square foot automatic car wash, an 1,870 square foot drive-thru restaurant, a 2,700 square foot sit-down restaurant, and the expansion of the existing movie theater by 2,846 square feet, along with related site improvements; Lot Line Adjustment No. LLA-019-2018 to modify existing lot lines to consolidate the two (2) subject parcels into one (1); and Conditional Use Permit No. CUP-140-2018 to allow the operation of the automatic car wash on the subject properties, 12101 and 12111 Valley View Street.

FINDINGS AND REASONS:Planned Unit Development:

1. The location, design and proposed uses are compatible with the character of existing development in the vicinity and will be well integrated into its setting.

The proposed PUD amendment permits an automatic car wash and two smaller restaurants in place of an existing vacant large restaurant on two lots within the commercial portion of the existing PUD, as well as making changes to the signage requirements of the PUD associated with the planned redevelopment. Pursuant to the amendment, all new buildings are subject to Site Plan approval, and the automatic car wash is subject to Conditional Use Permit approval. This will ensure that the proposed new uses and the location and design of the buildings and related site improvements are compatible with the character of the existing development in the vicinity and will be well integrated into the existing setting.

The proposed Project will include the construction of a 4,241 square foot automatic car wash, an 1,870 square foot drive-thru restaurant, a 2,700 square foot sit-down restaurant, a 2,846 square foot expansion to the existing movie theater, and related site improvements that will provide for the center's revitalization, as well as introduce new commercial uses to serve local residents. The proposed construction and site improvements will be compatible and be integrated with the existing commercial center, which can only be facilitated through the PUD amendment. The findings of the Planning Commission set forth in Resolution No. 5931-18 approving Site Plan No. SP-057-2018 and Lot Line Adjustment No. LLA-019-2018 and Resolution No. 5933-18 approving Conditional Use Permit No. CUP-140-2018 are hereby incorporated herein by reference.

2. The plan will produce a stable and desirable environment and will not cause undue traffic congestion on surrounding streets or access streets.

The redevelopment facilitated by the PUD amendment will revitalize an older and under-utilized commercial shopping center located along the Valley View Corridor. A Traffic Impact Study prepared for the Project concluded that the traffic associated with the new and expanded uses will not significantly impact adjacent intersections during peak AM and PM traffic times. The Traffic Impact Study concluded that the adjacent traffic intersections would operate at the same level of service with the incorporation of the proposed uses; therefore, the project would have no significant impact to the surrounding streets based on the criteria established by the City of Garden Grove. The traffic study also included a review of the Project's site access and circulation, including the queuing for the drive-thru restaurant and the automatic car wash, and

determined that the site design is adequate, and that the vehicle queuing will be contained within the proposed drive-thru lanes. The City's Engineering Division has reviewed the plan and all appropriate conditions of approval have been incorporated to minimize any adverse impacts on surrounding streets.

In addition, the project will provide sufficient on-site parking to accommodate the proposed uses and the movie theater expansion. The project will provide a total of 179 parking spaces (159 parking stalls and 20 vehicle queuing spaces along the drive-thru lane of the drive-thru restaurant and the car wash), which complies with the parking requirements of the Municipal Code. Changes to the on-site circulation will occur, and the design of the drive aisles and the parking lot comply with the City's requirement for vehicular and emergency access.

Furthermore, the project will continue to maintain two (2) access points to the site located on Valley View Street, as well as maintain the shared driveway access to the adjacent properties.

3. Provision is made for both public and private open spaces.

The Project has been designed to include new on-site landscaping. The Project will provide new landscaping along Valley View Street and within the parking area. The overall landscaping for the site will increase from 1,647 square feet (1.4% of the site) to 13,268 square feet (14% of the site). The project has been designed in accordance with the City's provisions for providing an adequate amount of landscaping as required by the Planned Unit Development standards. The Community and Economic Development Department, Planning Services Division will review and approve the type and number of plants.

4. Provision is made for the protection and maintenance of private areas reserved for common use.

Through the conditions of approval for the project, all necessary agreements for the protection and maintenance of landscaped setbacks and open spaces will be required to be adhered to for the life of the project.

5. The quality of the project, achieved through the proposed Planned Unit Development zoning, is greater than could be achieved through traditional zoning.

The property is currently zoned Planned Unit Development No. PUD-104-73. PUD-104-73 was adopted in 1973 to allow the construction of a 126-unit residential condominium, a 32-lane bowling alley, a 900 seat movie theater, a 7,500 square foot restaurant, a 3,600 square foot drive-thru restaurant, and a 41,850 square foot aged facility. The project will continue to maintain the PUD zoning designation, but the PUD permitted uses will be amended to allow an

automatic car wash, a drive-thru restaurant, and a sit-down restaurant on the subject properties, 12101 and 12111 Valley View Street, as well as amend the sign criteria of the PUD. The proposed amendment will facilitate the redevelopment of the site in order to introduce new uses and necessary site improvements that will revitalize the center to fulfill the goals of the General Plan.

Furthermore, concurrently with the proposed PUD amendment, a Site Plan is proposed that will allow the construction of a 4,241 square foot automatic car wash, an 1,870 square foot drive-thru restaurant, a 2,700 square foot sit-down restaurant, a 2,846 square foot expansion to the existing movie theater, along with related site improvements that will assist with the redevelopment and revitalization of the project site and commercial center. The proposed amendment to the PUD will allow for a project with a superior design and use diversity than the original PUD approved in 1973.

6. The amendment to the PUD is internally consistent with the goals, objectives, and elements of the General Plan.

The subject site, located within Planned Unit Development No. PUD-104-73, has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2. The Residential/ Commercial Mixed Use 2 Land Use Designation is intended to provide a mix of residential and commercial uses mostly around older underutilized, multi-tenant commercial developments. PUD-104-73 was adopted in 1973 and allowed for the construction of a 126-unit residential condominium, bowling alley, a movie theater, a sit-down restaurant, a drive-thru restaurant, and an aged facility. Currently, the commercial portion of PUD-104-73 is improved with a bowling alley, a movie theater, a vacant restaurant building, a McDonald's restaurant, and a senior living facility. The proposed amendment to Planned Unit Development No. PUD-104-73 will modify the uses permitted on the subject site only to allow an automatic car wash and two smaller restaurants in place of the existing larger restaurant, as well as amending the sign criteria of the PUD. The proposed uses will be compatible with the Residential/ Commercial Mixed Use 2 land use designation, and existing uses.

The General Plan describes a Planned Unit Development as a precise plan that provide the means for the regulations of buildings, structures, and uses of land to facilitate the implementation of the General Plan. The regulations of the PUD are intended to provide for a diversity of uses, relationships, and open spaces in an innovative land plan and design, while ensuring compliance with the provisions of the Municipal Code. The proposal complies with the spirit and intent of the General Plan that establishes that a PUD is intended to provide for a diversity of uses, relationships, and open spaces in an innovative land plan

and design, while ensuring compliance with the provisions of the Municipal Code.

In addition, the proposed amendment will also assist with the revitalization and redevelopment of the commercial center, which is consistent with the General Plan. Goal LU-6.1 of the General Plan encourages the revitalization of aging, underused or deteriorated commercial centers; Policy LU-6.2 encourages a mix of retail shops and services to better meet the needs of the area's present and potential clientele; Policy LU-6.4 encourages the City to work with property owners to revitalize deteriorated centers; Policy LU-6.6 encourages appropriate signage in commercial centers; and LU-IMP-6C encourages façade renovations, enhanced parking area landscaping, and improved lighting. The proposed amendment will allow new uses within the PUD and update the sign requirements that will assist with revitalizing the properties and the commercial center, which is consistent with goals and policies, and elements of the General Plan.

The proposed Project will include the construction of a 4,241 square foot automatic car wash, an 1,870 square foot drive-thru restaurant, a 2,700 square foot sit-down restaurant, a 2,846 square foot expansion to the existing movie theater, along with related site improvements that will provide for the center's revitalization as well as introduce new commercial uses to serve local residents. The proposed construction and site improvements will be compatible and be integrated with the existing commercial center, which can only be facilitated through the PUD amendment.

7. The amendment to the PUD will promote the public interest, health, and welfare.

An automatic car wash, a drive thru-pad restaurant, and a sit-down restaurant would be appropriate and compatible uses in the PUD-104-73 zone. The automatic car wash will be subject a Conditional Use Permit (CUP). The CUP process is a discretionary action that allows the City to review each proposal individually and place conditions on a proposed use to ensure it is compatible with the surrounding neighborhood. Introduction of new restaurants will provide new dining opportunities to serve the surrounding residential neighborhood, and will assist with the revitalization of the center. Adherence to the conditions of approval will ensure the public interest, health, safety, and welfare.

#### INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

In addition to the foregoing the Planning Commission incorporates herein by this reference, the facts and reasons set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Planned Unit Development No. PUD-104-73 (Rev. 2018) possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.16.030.020.F. (Planned Unit Development) and 9.32.030.D (Land Use Action Procedures).
2. The Planning Commission recommends that the City Council approve Planned Unit Development No. PUD-104-73 (Rev. 2018) and adopt the draft Ordinance attached hereto as Exhibit "A".

Adopted this 18th day of October 2018

ATTEST: /s/ GEORGE BRIETIGAM  
CHAIR

/s/ JUDITH MOORE  
RECORDING SECRETARY

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE    ) SS:  
CITY OF GARDEN GROVE )

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on October 18, 2018, by the following vote:

AYES:	COMMISSIONERS:	(6)	BRIETIGAM, LAZENBY, LEHMAN, NGUYEN, SALAZAR, TRUONG
NOES:	COMMISSIONERS:	(0)	NONE
ABSENT:	COMMISSIONERS:	(1)	KANZLER

/s/ JUDITH MOORE  
RECORDING SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is November 8, 2018.



ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-104-73 (REV. 2018) AMENDING THE USES PERMITTED ON A PORTION OF PLANNED UNIT DEVELOPMENT NO. PUD-104-73 TO FACILITATE DEVELOPMENT OF AN AUTOMATIC CAR WASH, A DRIVE-THRU PAD RESTAURANT, AND A SIT-DOWN RESTAURANT ON THE PARCELS LOCATED AT 12101 AND 12111 VALLEY VIEW STREET, AND AMENDING THE SIGN REQUIREMENTS OF THE PUD

**City Attorney Summary**

***This Ordinance approves an amendment to Planned Unit Development No. PUD-104-73 to modify the uses permitted on the properties located on the west side of Valley View Street, south of Chapman Avenue, at 12101 and 12111 Valley View Street, to allow an automatic car wash, a drive-thru pad restaurant, and a sit-down restaurant, and to amend the sign requirements of the PUD, including: to allow multi-tenant signage within the cabinet display area of an existing pole sign, and to allow non-LED/non-digital movie poster board graphic signage on the exterior wall marquee and exterior wall display boards, and to allow a vertical sign on the new building tower element of the movie theater.***

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, on August 21, 1973, the Garden Grove City Council adopted Resolution No. 4472-73, approving Planned Unit Development No. PUD-104-73 and rezoning an approximately 17.67-acre parcel located at the southwest corner of Chapman Avenue and Valley View Street to PUD-104-73, subject to all of the conditions and provisions as set forth in Planning Commission Resolution No. 2673; and

WHEREAS, the 17.67-acre site is currently comprised of one (1) residential lot and five (5) commercial lots; and

WHEREAS, the uses and activities currently permitted on the six (6) lots within PUD-104-73, respectively, include a 126-unit townhouse condominium development, a bowling alley, a movie theater, a 7,500 square foot restaurant, a McDonald's restaurant, and an aged care facility; and

WHEREAS, the signage permitted within PUD-104-73 is set forth in condition of approval D. of Planning Commission Resolution No. 2673; and

WHEREAS, Dan Akarakian for Cinemas Management, Inc., on behalf of Valley View Cinema Center, LLC, owner of the two commercial lots located at 12101 and 12111 Valley View Street containing the movie theater and large restaurant, has requested approval of an amendment to Planned Unit Development No. PUD-104-73 to facilitate the redevelopment of these two lots with the demolition of the existing large restaurant, an expansion of the existing movie theatre, and the

addition of an automatic car wash, a 1,870 square foot drive-thru pad restaurant, and a 2,700 square foot sit-down restaurant, and to modify the sign requirements of the PUD, including to allow for multi-tenant signage within the cabinet display area of an existing pole sign, to allow a vertical sign on a new tower building element of the movie theater, and to allow non-LED/ non-digital movie poster board graphics to be displayed on the exterior wall marquee and wall display boards of the movie theater; and

WHEREAS, the proposed amendment to Planned Unit Development No. PUD-104-73 is being processed in conjunction with (a) Site Plan No. SP-057-2018 to allow the construction of a 4,241 square foot automatic car wash, an 1,870 square foot drive-thru pad restaurant, a 2,700 square foot sit-down restaurant, a 2,846 square foot expansion to the existing movie theater, and related site improvements on the properties located at 12101 and 12111 Valley View Street, (a) Lot Line Adjustment No. LLA-019-2018 to modify existing lot lines to consolidate the two (2) subject parcels into one (1); and (c) Conditional Use Permit No. CUP-140-2018 to allow the operation of the proposed automatic car wash; and

WHEREAS, the uses, activities, and improvements contemplated by the proposed PUD amendment, Site Plan No. SP-057-2018, Lot Line Adjustment No. LLA-019-2018, and Conditional Use Permit No. CUP-140-2018 are collectively referred to as the "Project"; and

WHEREAS, following a public hearing held on October 18, 2018, the Planning Commission adopted Resolution No. 5931-18 recommending City Council approval of Planned Unit Development No. PUD-104-73 (Rev. 2018);

WHEREAS, on October 18, 2018, the Planning Commission also adopted Resolution No. 5932-18 approving Site Plan No. SP-057-2018 and Lot Line Adjustment No. LLA-019-2018 and Resolution No. 5933-18 approving Conditional Use Permit No. CUP-140-2018, each subject to the City Council's approval of Planned Unit Development No. PUD-104-73 (Rev. 2018);

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on November \_\_, 2018, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter; and

WHEREAS, the City Council hereby determines that the proposed Project is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.) pursuant to Section 15303 (New Construction or Conversion of Small Structures) and Section 15301 (Existing Facilities) of the CEQA Guidelines (14 Cal. Code Regs., Sections 15301 and 15303); and

WHEREAS, the City Council hereby incorporates by reference the findings and reasons set forth in Planning Commission Resolution Nos. 5931-18, 5932-18, and

5933-18 and makes the following findings regarding Planned Unit Development No. PUD-104-73 (Rev. 2018):

A. The location of the buildings, architectural design, and uses proposed pursuant to the PUD amendment are compatible with the character of existing development in the vicinity and will be well integrated into its setting.

B. The amended plan will produce a stable and desirable environment and will not cause undue traffic congestion on surrounding streets.

C. Provision is made for both public and private open spaces.

D. Provision is made for the protection and maintenance of private areas reserved for common use.

E. The quality of the Project achieved through the proposed amendment to the existing planned unit development zoning is greater than could be achieved through traditional zoning.

F. The amendment to the PUD is internally consistent with the goals, objectives, and elements of the General Plan.

G. The amendment to the PUD will promote the public interest, health, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: The above recitals are true and correct.

SECTION 2: Planned Unit Development No. PUD-104-73 (Rev. 2018) is hereby approved pursuant to the findings set forth herein and the facts and reasons stated in Planning Commission Resolution No. 5931-18, a copy of which is on file in the Office of the City Clerk, and which is incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 3: Planned Unit Development No. PUD-104-73 is hereby amended to modify the uses and activities permitted on the 12101 and 12111 Valley View Street parcels in PUD-104-73, as set forth in Planning Commission Resolution No. 2673, by adding new Condition of Approval "X" to read as follows

"X. Only the following uses shall be permitted on the 12101 and 12111 Valley View Street parcel(s):

A movie theatre, subject to Site Plan approval

An automatic car wash, subject to Site Plan and Conditional Use Permit approval

An 1,870 square foot drive-thru pad restaurant, subject to Site Plan approval

A 2,700 square foot sit-down restaurant, subject to Site Plan approval"

The 7,500 square foot restaurant described in Planning Commission Resolution No. 2673, located at 12101 Valley View Street, is being demolished and shall no longer be a permitted use within Planned Unit Development No. PUD-104-73. The uses and activities permitted on the other parcels within Planned Unit Development No. PUD-104-73 shall remain the same.

SECTION 4: Planned Unit Development No. PUD-104-73 is hereby amended to modify the sign requirements, as set forth in Planning Commission Resolution 2673, as follows (additions shown in ***bold/italics***; deletions shown in ~~strikethrough~~):

D. ~~Signing~~ **Signage** in the residential portion shall be in accordance with the provisions of the R-2, Limited Multiple Residential zone. ~~Signing~~ **Signage** in the commercial area shall be as follows and shall be subject to be the square footage permitted in the C-1, ~~Limited~~ **Neighborhood Commercial** zone.

- 1) One pole sign shall be permitted for each of the four **primary commercial uses (the bowling alley, the movie theater, the automatic car wash, and McDonald's)** provided that they shall be located a minimum of 200 feet apart, and that they shall not exceed 35 feet in height. **The pole sign cabinet for the automatic car wash may be designed to allow for a multi-tenant display area to accommodate signage for the drive-thru restaurant and the sit-down restaurant located on-site. The proposed display area of any new pole sign cabinet shall comply with the total sign area requirements of the C-1 zone.**
- 2) ~~One wall sign, not extending above the top of any wall, for the large restaurant, the theater, and the bowling alley. Two wall signs for McDonald's as approved under PUD 107-71 (1<sup>st</sup> Revised).~~ **Wall signs shall not extend above the top of any wall, and no roof signs are permitted. Proposed wall signs for each use shall comply with the total allowable sign area requirements of the C-1 zone.**
- 3) **Permitted signage for the movie theater may also include a vertical sign on the new building tower element, and non-LED/non-digital movie poster board graphics on the exterior wall marquee and/or on the exterior wall movie poster display boards.**

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this

Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 6. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.